

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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|------------------------|---|------------------------|
| CELESTE GARRETT, |) | |
| |) | |
| PLAINTIFF, |) | |
| |) | |
| vs. |) | Case No. CIV-15-1381-W |
| |) | |
| THE HERTZ CORPORATION, |) | |
| |) | |
| DEFENDANT. |) | |

**DEFENDANT THE HERTZ CORPORATION'S
CORRECTED MOTION FOR SUMMARY JUDGMENT**

Defendant, The Hertz Corporation (“Hertz”), pursuant to Federal Rule of Civil Procedure 56 and LCvR 56.1, moves the Court for an order granting summary judgment in favor of Hertz and against Plaintiff Celeste Garrett (“Plaintiff”) on Plaintiff’s claims for: (1) discrimination based upon gender/sex for failure to promote in violation of Title VII of Civil Rights Act of 1964, as amended (“Title VII”), 42 U.S.C. §2000e *et seq.* and the Oklahoma Anti-Discrimination Act (“OADA”), 25 O.S. § 1302 *et. seq.* and (2) hostile work environment based upon gender/sex resulting in wrongful discharge in violation of Title VII and the OADA.¹ In addition, although the claim is not explicitly stated in the

¹ Plaintiff’s Complaint is somewhat confusing with regard to her claims. In her opening paragraph, she purports to be bringing “a claim pursuant to Title VII of the Civil Rights Act of 1964 . . .for sex/gender discrimination and failure to promote.” [Complaint, ¶ 1]. She then states that she is bringing a “state law cause of action for wrongful discharge in violation of the [OADA] based upon sex/gender discrimination. . .” [*Id.*] Later in her Complaint, despite only listing “Count I,” she claims that Hertz discriminated against her on the basis of her sex by failing to promote her and then that Hertz created a hostile work environment, both in violation of the Title VII and the OADA. For the purpose of disposing of *all* of Plaintiff’s claims, Hertz will construe Plaintiff’s Complaint broadly.

Complaint, Plaintiff has alleged throughout this litigation that Hertz retaliated against her. To the extent Plaintiff is attempting to bring such a claim, Hertz moves for summary judgment on that claim as well.

In support of this Motion, Hertz shows the Court that there is no genuine issue as to any material fact and that Hertz is entitled to summary judgment in its favor and against the Plaintiff on all of her claims. This Motion is further supported by Hertz's Brief in Support of Its Motion for Summary Judgment, which is filed contemporaneously with this Motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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